

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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JARZETTE JACOBS, individually; and EBONY BREWTON-AUSTIN, as Administratrix of the Estate of JAH'LIRE NICHOLSON and as Mother and Natural Guardian of Infant J.B.,

Plaintiff,

-against-

CITY OF NEW YORK; and Police Officer DJAFAR TSABBAAST; Police Officer DANIEL DECARIO; and JANE DOE 1 through 10, individually and in their official capacities (the names John and Jane Doe being fictitious, as the true names are presently unknown),

Defendants.

Upon the declarations of Ebony Brewton-Austin, the adult plaintiff herein who brought suit on behalf of her minor daughter J.B., signed on September 7, 2022, and the declaration of Gabriel P. Harvis, Esq., one of the attorneys for plaintiffs herein, signed on September 12, 2022, and due deliberation having been had thereon, and upon consideration of the issues and claims in the litigation and upon the proffers of evidence, and it appearing that the best interest of the minor plaintiff, J.B., would be served by approval of the proposed compromise in settlement, now, on the motion of Gabriel P. Harvis, one of the attorneys for the infant plaintiff herein, it is hereby:

ORDERED, that plaintiff, Ebony Brewton-Austin, is authorized and empowered, in the interest of her daughter, J.B., who is presently ten years old, to settle and compromise her claims against all defendants. Pursuant to the settlement reached with the defendants, Defendants will pay the total sum of \$962,500, of which \$721,875 shall be paid to infant Plaintiff J.B. (with the remaining \$240,625 being paid to another plaintiff, Jarzette Jacobs); and it is further,

ORDERED, that 1/3 of that total settlement amount (i.e., \$320,833.33) shall be designated as attorneys' fees for attorneys Gabriel P. Harvis, Baree N. Fett, and Jeffrey A. Rothman; and it is further,

ORDERED, that \$12,517.79 of that total settlement amount shall be recouped by plaintiffs' counsel as out-of-pocket costs that they have advanced during the course of this litigation; and it is further,

ORDERED that \$7,500.00 of J.B.'s recovery shall be paid to attorney Keith Black, Esq., for his attorney's fees and costs in relation to the Broome County Surrogate's Court proceedings that he has engaged in for purposes of the instant litigation; and it is further,

ORDERED, that the sum of \$464,361.66 is to be received by infant plaintiff J.B. as her net recovery in this action, which is to be deposited into an FDIC-insured interest-bearing savings account at a bank in Binghamton, NY, where it will be held for

her until her 18th birthday; and it is further,

ORDERED, that the settlement is approved in accordance with N.Y.E.P.T.L. § 5-4.6(a).

ORDERED, that this Court retains jurisdiction of this action for enforcing this infant compromise order, and for enforcing the other terms of the settlement reached in this matter.

Dated: New York, New York
Sept. 13, 2022

SO ORDERED:



Honorable Robert W. Lehrburger, U.S.M.J.